

**CITY OF ESCANABA  
PLANNING COMMISSION  
Official Minutes – Thursday, January 11, 2024**

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**MEETING CALLED TO ORDER**

A meeting of the Escanaba Planning Commission was held on Thursday, January 11, 2024 at 6:00pm in Room C101 at City Hall, 410 Ludington Street, Escanaba, MI 49829.

*Chair Connor called the meeting to order at 6:00 PM.*

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**ATTENDANCE**

**Membership:**

Chair Patrick Connor .....	Present	Commr. Kasja Nelson .....	Present
Secretary Roy Webber .....	Present	Commr. Christiana Reynolds.....	Present
Commr. James Hellermann.....	Absent	Commr. Mark Sadowski.....	Present
Commr. Michael Harris .....	Absent		

With five in attendance, a quorum of the Planning Commission was present.

**City Administration:**

- Tyler Anthony, Planning & Zoning Admin
- Brianna Ecklid, Confidential Secretary
- Ronald Beauchamp, City Council Liaison

No other individuals were present.

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**MINUTES**

**Webber moved to approve the December 14, 2023 regular meeting minutes as proposed. Sadowski seconded.**

**A voice vote was taken. MOTION PASSED.**

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**AGENDA**

Connor asked if there were any adjustments to be made to the addenda. Anthony noted that there was an error which needed to be corrected. The Commission’s review of their annual report did not make it into this meeting, and it was moved to the next regular meeting. In error, it was not removed from the agenda. Anthony also suggested that another sub-item be added to the “General Updates” agenda item, being a mention of the Michigan Association of Planning’s annual report.

**Sadowski moved to accept the recommended changes and approve the agenda. Nelson seconded.**

**A voice vote was taken. MOTION PASSED.**

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**CONFLICT OF INTEREST DECLARATIONS**

None.

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**PUBLIC COMMENT ON AGENDA ITEMS**

None

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**PUBLIC HEARINGS**

None.

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**UNFINISHED BUSINESS**

None.

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**NEW BUSINESS****NB1: Delta County Planning Commission Liaison (DCPC) Committee**

Anthony introduced the item. He then handed out to Commissioners and Beauchamp a final draft copy of the letter to the DCPC. Connor asked for a few moments to read over the letter. After this review, Connor solicited a motion to accept the draft letter as proposed.

**Sadowski moved to approve the draft letter, sign it, and send it to the DCPC, the Delta County Board of Commissioners, and the Delta County Prosecutor's Office. Webber seconded.**

**A voice vote was taken. MOTION PASSED.**

**NB2: Master Plan RFP Review**

Anthony introduced the item, explaining what a Request for Proposals (RFP) is and how it works. He and Connor then briefly discussed whether CUPPAD (Central Upper Peninsula Planning and Development Regional Commission) was involved in the new Master Plan's creation at that point; they weren't, but they did express interest to Anthony a few weeks prior.

Connor asked for a motion to accept the RFP as presented. Sadowski interjected politely, asking to have further discussion before any action was taken. He wanted to know what kind of company the City was looking for, if this company was to be Michigan-based, what information was to be expected of them, and a cost estimate of this scope of work. Anthony explained that it was very likely that a Michigan-based firm was to be chosen, since such companies were normally very experienced with State law-compliant plans. He admitted that no price estimate was in hand, as those were supposed to be received in the bids after posting the RFP.

Anthony then read from the draft RFP to better answer Sadowski's questions. He added that this process was going to be a long, but necessary one. Sadowski noted that point #5 under the "scope of work" header was extremely important to this project.

**Connor offered, Reynolds seconded:**

**RESOLUTION NO. 24-01****RESOLUTION TO APPROVE AND DIRECT  
THE POSTING OF A MASTER PLAN RFP**

**RESOLVED**, that the Planning Commission approves of the Master Plan RFP as prepared by its staff; and

**RESOLVED**, that the Planning Commission's staff shall, jointly with City administration, fill in the blanks, add any necessary rules or language, and post the RFP for bid.

**A voice vote was taken. RESOLUTION PASSED.**

**NB3: General Updates**

**a. Delta County Planning Commission Report**

Nelson reported that the DCPC held their first regular meeting of the year on January 8<sup>th</sup>. They re-elected their then-current slate of officers, approved the previous meeting’s minutes, tabled all the other business, then adjourned. According to Nelson, the meeting lasted only 8 minutes.

**b. Zoning Board of Appeals (ZBA) Report**

Anthony explained that a special meeting of the ZBA, which was scheduled for 15 December 2023, was canceled by the applicant. Their next regular meeting was rescheduled from 2 January to 16 January, since a quorum was not available for the former date. No new business was scheduled.

**c. Zoning/Land Use Permit Report**

Anthony presented the monthly permit report, noting that the Delta County Building & Zoning Department’s December permit list was included as a new piece of information to Commissioners. Sadowski asked how the 2023 permit numbers and collected fees looked when compared to the previous year. Anthony could not directly answer, but he did say that they were similar.

**d. Michigan Association of Planning (MAP) Annual Report**

Anthony reported that the MAP’s 2023 Annual Report had just been released, and that it was a good read for Commissioners. He noted that a link to this report was provided in the packet.

**e. Zoning Text Amendment – Chickens and Ducks**

Anthony informed the Commission that the City Council had declined their request to revisit the proposed Chickens and Ducks Ordinance. Reynolds asked if any reason was given as to why they declined, and Anthony said that none was provided.

**NB4: Training Updates**

Reynolds reported ½ hour of self-guided training on “spot zoning”. From that training, she performed a deep dive on the subject, and reviewed the Master Plan for any local concerns.

**GENERAL PUBLIC COMMENT**

None.

**COMMISSIONER/STAFF COMMENT & ANNOUNCEMENTS**

None.

**ADJOURNMENT**

**A motion was made by Nelson to adjourn the meeting. Connor seconded.**

**A voice vote was taken. MOTION PASSED.**

*The meeting adjourned at 6:25 PM.*

**EXHIBITS TO THESE MINUTES**

- A. Draft: Letter to the Delta County Planning Commission, Final

**APPROVAL**

I, Roy Webber, Secretary of the City of Escanaba Planning Commission, hereby certify that the foregoing constitutes the true and complete proposed minutes of a meeting of the Planning Commission of the City of Escanaba, County of Delta, State of Michigan, held on 11 January 2024; that I have reviewed said proposed minutes; and that said proposed minutes shall be made publicly available.

REVIEWED:

Roy Webber

Roy Webber, Secretary  
City of Escanaba Planning Commission

Draft reviewed on: 1-22-24

Draft available on: 22 Jan 24 TA

I, Patrick Connor, Chair of the City of Escanaba Planning Commission, hereby certify that the foregoing proposed minutes are now approved; that these approved minutes shall be made publicly available; and that all the foregoing was/is made/given/kept in accordance with the Open Meetings Act (MCL 15.261 et seq.), the Michigan Planning Enabling Act (MCL 125.3801 et seq.), the Michigan Zoning Enabling Act (MCL 125.3101 et seq.), said City's Code of Ordinances, and said Commission's Bylaws.

APPROVED:

Patrick Connor

Patrick Connor, Chair  
City of Escanaba Planning Commission

Final approved on: 2/12/24

Final available on: 2/12/24 TA

Friday, 12 January 2024

To:  
Delta County Planning Commission  
c/o Building & Zoning Department  
2910 College Avenue  
Escanaba, MI 49829

Cc:  
Delta County Board of Commissioners  
c/o County Clerk's Office  
310 Ludington Street  
Escanaba, MI 49829

Delta County Prosecuting Attorney  
310 Ludington Street  
Escanaba, MI 49829

To the members of the Delta County Planning Commission,

We, the duly appointed members of the City of Escanaba Planning Commission, write to you, the Delta County Planning Commission, regarding some recent concerns. These concerns were brought to us by our liaison to the County Planning Commission.

One of our members, Commissioner Patrick Connor, served as liaison until recently. Commr. Connor resigned from this position at our October 12, 2023 meeting. At that meeting, he reported a series of encounters with the County Planning Commission and its staff that he viewed as retaliation for earlier public comments he made as a private citizen. Because these concerns involve some possible violations of the Michigan Open Meetings Act, the Delta County Planning Commission Ordinance, and your Bylaws, we wish to bring them to your attention.

At the regular meeting on May 16, 2023 – before he was a member of the City Planning Commission – Patrick Connor appeared before the Delta County Board of Commissioners as a private citizen. During that meeting, he spoke during the public comment period for agenda items. Per the official minutes, “[He] addressed the Board with his concerns regarding annexation, recusing a commissioner and the [County] Planning Commission.”

The Escanaba City Council appointed Connor to the City Planning Commission on June 15. On June 29, he was appointed by motion as our liaison with the County Planning Commission. After that appointment, the first and only County Planning Commission meeting he attended was the one held on October 2. At that meeting, now-Commr. Connor was informed that he could not participate in discussions with the County Planning Commission. He was also told that he could not speak during public comment. This was told to him by John Denholm, the County Planning Commission Chair, who claimed to cite the current Bylaws (see attachment 1). Both restrictions seemed to nullify his status as liaison with you.

When pressed for details, Chair Denholm told Commr. Connor that the Bylaws had been changed in “May or June”. However, the current Bylaws were adopted on March 2, 2021, and there is no evidence of any newer version than that. These Bylaws explicitly state that liaisons, including the City’s liaison, can indeed speak at meetings and participate in discussions. And of course, all individuals in attendance must be permitted to speak during public comment under the Open Meetings Act. MCL 15.263(5):



**Mission Statement**

Enhancing the enjoyment and livability of our community by providing quality municipal services.

A person must be permitted to address a meeting of a public body under rules established and recorded by the public body.

Further, Commr. Connor reported that the County’s staff refused to provide a copy of the County’s Master Plan to him. He was told both that there were no copies available, and that such copies were only available to members of the County Planning Commission. In fact, this Master Plan is available online – something that could easily have been communicated to Commr. Connor, thus enabling him to participate meaningfully as our liaison. Commr. Connor perceived that these actions were in response to his remarks as a private citizen at the Delta County Board of Commissioners’ May 16 meeting.

While investigating Commr. Connor’s claims, it was found necessary to secure copies of the proposed minutes of the October 2 meeting. This was made difficult by the fact that such proposed minutes were not made available for 14 business days after the meeting (see attachment 2). Per the Open Meetings Act, such proposed minutes must be made available within 8 business days of the meeting at which they were taken. It is also worth noting that the November 6 meeting’s proposed minutes were not made available for over 30 business days after the meeting (see attachment 3).

In sum, we are concerned that the County Planning Commission denied our liaison the ability to participate, in violation of the Bylaws, and denied him the ability to speak during public comment, in violation of the Open Meetings Act. And finally, we are concerned that you failed to make the proposed minutes available within 8 business days after the meeting, as required by the Open Meetings Act.

The City Planning Commission values its relationship with the County Planning Commission. We wish to ensure that our liaison can participate meaningfully in future meetings as part of this relationship. We trust that you will address these items and ensure that they do not recur in the future.

Signed by the members of the City of Escanaba Planning Commission:

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Patrick Connor, Chair

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Kasja Nelson, Commissioner

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Roy Webber, Secretary

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Christiana Reynolds, Commissioner

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Michael Harris, Commissioner

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Mark Sadowski, Commissioner

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James Hellermann, Commissioner

Attachments:

1. General Affidavit
2. Email thread – October Proposed Minutes
3. Email thread – November Proposed Minutes